

REMARKS

Claims 1-21 are pending in the present application. In the Office Action dated July 9, 2003, the Examiner rejected claims 1 and 2 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,881,394 to Garofalo ("Garofalo"). The Examiner further rejected claim 4 under 35 U.S.C. § 103(a) as unpatentable over the Garofalo reference in view of U.S. Patent No. 5,734,995 to Chiang ("Chiang"). Claims 6-21 are allowed. Claims 3 and 5 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As a preliminary matter, applicant notes that, to date, the PTO-1449 from the Information Disclosure Statement filed January 9, 2002 has not been returned to the undersigned attorney. Specifically, the Examiner needs to initial each of the references disclosed therein and sign the PTO-1449. Applicant also requests that the Examiner initial, sign and return the PTO-1449 filed on June 17, 2003.

Applicant wishes to thank the Examiner for her careful review of the present application and for her indication of allowable subject matter. In this amendment, applicant is amending claims according to the Examiner's indication of allowable subject matter in order to expedite the issuance of such allowable matter. It is understood, however, that applicant does not agree with the Examiner's claim rejections based on the cited art, and reserves the right to present the claims in non-amended form, in any continuation, divisional or continuation-in-part application.

Claim 1 is amended to recite the limitations present in dependent claim 3. Claim 3 is cancelled. Amended claim 1 is therefore now in allowable form. Claims depending from amended claim 1 are also allowable based upon the allowable form of the base claim and further in view of the additional limitations recited in the dependent claims.

Claims 22-25 are new. Claim 22 is former claim 1 that includes the limitations of dependent claim 5. Claims 23-24 include the limitations in dependent claims 2-4.

Applicant's representative notes that the PTO-1449 sent with the Office Action dated July 9, 2003 did not have the prior art references initialed by the Examiner nor was it signed. Applicant's representative respectfully requests that it be resent after being initialed and signed.

All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

DORSEY & WHITNEY LLP



Steven H. Arterberry
Registration No. 46,314
Telephone No. (206) 903-8787

SHA:tlm

Enclosures:

Postcard
Check
Fee Transmittal Sheet (+ copy)

DORSEY & WHITNEY LLP
1420 Fifth Avenue, Suite 3400
Seattle, WA 98101-4010
(206) 903-8800 (telephone)
(206) 903-8820 (fax)

h:\ip\documents\clients\smith sport optics\501124.01\501124.01 amend to oa 070903.doc